

to increase the weight and improve the coats of animals, to correct breeding troubles, and to improve the quality of the sperm of bulls. The article was not an adequate and effective treatment for such conditions, and it was not capable of fulfilling the promises of benefit made for it.

DISPOSITION: January 9, 1953. Default decree of condemnation and destruction.

3980. Misbranding of Vito. U. S. v. 400 Bags, etc. (F. D. C. No. 33325. Sample Nos. 1987-L, 1988-L.)

LABEL FILED: July 2, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 20, 1952, by Browar Products, Inc., from Elwell, Mich.

PRODUCT: 400 5-pound bags of *Vito* for turkeys, hogs, cattle, chickens, and other livestock, and 200 4-pound bags of *Vito* for dogs and cats at West Hollywood, Fla., together with a number of pamphlets entitled "Vito for Turkeys, Hogs, Cattle, Chickens, and Other Livestock" and "Vito for Dogs and Cats," a number of placards entitled "Vito for Dogs and Cats," and a number of copies of testimonial sheets.

LABEL, IN PART: (Bag) "Vito for Turkeys-Hogs Cattle-Chickens and Other Livestock * * * Contains—Calcium Carbonate not less than 20%, Sulphate of Iron, Phosphorous 3.5%, Sodium Chloride not more than 25%, Magnesium Sulphate, Specially Prepared Wood Ash, Baked Bone Meal," and "Vito for Dogs and Cats * * * Contains Calcium Carbonate not less than 20%, Phosphorous 3.5%, Sulphate of Iron, Sodium Chloride not more than 25%, Magnesium Sulphate, Specially Prepared Wood Ash, Baked Bone Meal."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned pamphlets, placards, and testimonial sheets were false and misleading since the articles were not effective in the prevention and treatment of the diseases and conditions represented and suggested and were not capable of fulfilling the other promises of benefit made for them. With respect to the *Vito* for turkeys, hogs, cattle, chickens, and other livestock the statements represented and suggested that the article was effective in the prevention and treatment of worms, rickets, parasitic attacks, neurotic [sic] enteritis, blackhead, coccidiosis, malnutrition, diarrhea, and scours in calves; that the article had tonic properties; that it would promote good health, good growth, and better offspring; that it would prevent parasites and keep animals in top condition; and that it would insure against many profit-robbing diseases. With respect to the *Vito* for dogs and cats, the statements represented and suggested that the article was effective in the prevention and treatment of worms and rickets; that the article would prevent running fits and rickets, promote good health, good growth, and healthy offspring, keep animals in top condition and dogs in sound health with sleek coats, promote appetite and cure lack of appetite due to worms, and promote husky litters and guard the health of the mother; and that the article would assure against worms, scours, parasitic and bacteriatic [sic] troubles, and act as a general health and body builder.

DISPOSITION: August 1, 1952. Default decree of forfeiture and destruction.

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3981-4000

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *September 4, 1953.*

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*For omission of, or unsatisfactory, ingredients statements, see Nos. 3997, 3999.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF POTENTIAL DANGER
WHEN USED ACCORDING TO DIRECTIONS**

3981. Misbranding of vaginal suppositories. U. S. v. 131 Boxes * * *. (F. D. C. No. 34396. Sample No. 39888-L.)

LIBEL FILED: December 24, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about September 29, 1952, by the Dr. J. A. McGill Co., from Chicago, Ill.

PRODUCT: 131 boxes of *vaginal suppositories* at Los Angeles, Calif. Examination showed that the product contained approximately 47 percent ammonium alum and 10.6 percent borax in a fatty base. Each box contained a copy of a leaflet entitled "Dr. J. A. McGill Co.'s Suppositories."

LABEL, IN PART: (Box) "Contents 6 Suppositories * * * Orange Blossom Suppositories * * * Alum - Borax - Petrolatum * * * Dr. J. A. McGill Co. * * * Chicago 16, Ill."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement appearing in the labeling of the article "For Simple Irritations Of The Vaginal Tract" was false and misleading. The statement represented and suggested that the article was an adequate and effective treatment for diseases of the vaginal tract which are manifested by irritation of the vaginal tract, whereas the article was not an adequate and effective treatment for these diseases.

Further misbranding, Section 502 (j), the article was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in its labeling, namely, "Directions Remove tinfoil at bedtime, insert one suppository in vagina and with your finger push it up as far as you can. Let it remain there undisturbed for three days. Then at night take a douche of warm water, and on the evening of the second day apply again as above making the application every five days excepting at monthly periods, allowing four days for the periods, then apply the suppository every five days."

DISPOSITION: January 26, 1953. Default decree of condemnation and destruction.

3982. Misbranding of Mam-Zelle syringe and Mam-Zelle tablets. U. S. v. 11 Cartons, etc. (F. D. C. No. 34656. Sample No. 18577-L.)

LIBEL FILED: February 17, 1953, District of Arizona.

ALLEGED SHIPMENT: On or about November 29, 1952, by the Barclay Pharmaceutical Products Co., from Pasadena, Calif.

PRODUCT: 1 carton containing 12 12-tablet bottles of *Mam-Zelle tablets*, and 11 cartons, each containing 2 packages, and each package consisting of a cardboard box containing 1 *Mam-Zelle syringe* and 1 12-tablet bottle of *Mam-Zelle tablets*, at Phoenix, Ariz. There were enclosed in each package a circular designated "For women Strictly personal," and a circular designated "How To Use *Mam-Zelle Effervescent Feminine Hygiene Syringe Unit*."

The *Mam-Zelle syringe* consisted of a two-piece plastic cylinder which was closed except for a valve-operated exit tube which connected through a short piece of rubber tubing to a plastic nozzle having eight small holes at the sides and one small hole at its tip. In operation, the plastic cylinder was charged by filling with water and placing one of the *Mam-Zelle tablets* in position. After the assembling of the cylinder, the water and tablet were brought into contact whereby the effervescing-type tablet dissolved with the liberation of